



**Bill No:** HB 515 – Candidates– Access to Apartment Buildings

**Committee:** Environment & Transportation

**Date:** 2/2/2021

**Position:** Oppose

The Apartment and Office Building Association of Metropolitan Washington (AOBA) opposes HB 515. AOBA's members own or manage more than 23 million square feet of commercial office space and more than 133,000 rental units in Maryland.

This bill would require owners and managers of residential rental property to allow access to private residential areas by candidates for office for purpose of campaigning, registering voters and distributing campaign materials. The bill does not authorize a candidate to post campaign materials in common spaces of an apartment building without consent from the owner or manager. The bill also specifies that an owner or manager may require that a candidate sign a waiver of liability to gain access to the building.

AOBA opposes this bill as an imposition of risk, a costly diversion of staff time, imposition on residents and an undue imposition on private property rights.

- **Risk** – Apartment communities typically prohibit solicitors in order to avoid security risks of uninvited persons wandering around the property. Very recently, we have seen political campaigns and events become unsafe. While the candidate may have signed a waiver of liability, if residents are injured, accosted or otherwise put in a dangerous situation during a candidate's visit, the housing provider will be sued. Although the bill allows for presentation of identification by a candidate how would housing providers know that the individual does not present a risk to residents?
- **Cost** – AOBA members feel it is an inappropriate diversion of apartment management staff time to schedule, supervise and clean-up after repeated candidate visits who wish to enter multiple private residential buildings. Apartment communities often have large numbers of buildings,

each of which would need to be unlocked for candidates by staff. For example, Queenstown apartments in Mount Rainier has 99 doors that would need to be unlocked. University City apartments in Hyattsville has 36 locked residential buildings on the property. This bill would require AOBA members' staff to unlock each building for each candidate who came through and clean up discarded campaign literature after they left. During the 2018 election, a requirement to grant access to those seeking elected office would have allowed 40 candidates running for one position--the At-large County Council seat--to trapse through the hallways of Montgomery County apartment buildings. Walking these candidates around during normal working hours takes staff out of the office or away from their regular duties, at a period in the day when residents count on them being available to meet their needs. However, if these visits take place after normal working hours, property management companies may incur overtime costs to pay staff well into the evening on multiple evenings.

- **Residents' Privacy** – AOBA members house diverse residents in Prince George's and Montgomery Counties. These residents expect to be protected from solicitors and enjoy their homes in peace and quiet. AOBA members are also sensitive to the fact that they house residents of varying legal statuses and they do their best to protect those residents and mitigate residents' fears. One way they accomplish this is by prohibiting non-residents and uninvited guests from walking around the apartment community. As such, government officials or candidates for public office being given freedom to walk the halls will do little to make certain residents feel safe in their homes. All residents are interested in enjoying their home without unwanted solicitors. In the recent political environment, residents are particularly sensitive to unwanted solicitors seeking elected office. Passage of this bill will ensure an increase in resident's complaints to and about their housing provider.
- **Private Property Rights** – This bill attempts to limit one of the most important rights of property ownership: the right to exclude persons from your property. See Nollan v. California Coastal Commission, 483 U.S. 825, 831 (1987) (“the right to exclude [others is] one of the most essential sticks in the bundle of rights that are commonly characterized as property”); Yee v. City of Escondido, 503 U.S. 519, 528 (1992). The General Assembly should not tell private property owners who they must allow on their property as solicitors or other uninvited guests.

**For these reasons AOBA urges an unfavorable report on HB 515.**

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